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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,777

11/20/2003

Shane Elizabeth Bode

1067-264

8389

7590

12/29/2004

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EXAMINER

COLLINS, DARRYL J

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/717,777	Applicant(s) BODE ET AL.	
	Examiner Darryl J. Collins	Art Unit 2873	<i>Am</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11 and 17-21 is/are rejected.
- 7) ☐ Claim(s) 8 and 12-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11202003</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 16 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 8.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 10 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claytor in view of Gross. Claytor teaches a Fresnel lens having a plurality of grooves or ridges wherein the grooves have varying dimensions, depths and spacings (Figures 2 and 4) and are positioned about an optical axis (Figures 1 and 4) as claimed in independent claims 1, 9 and 17. Claytor also teaches the grooves as being positioned about the optical axis in a concentric fashion (Figures 1 and 3) as claimed in dependent claims 2 and 10, wherein the concentric rings are substantially circular (Figure 1) as claimed in dependent claim 3, a varying groove depth (Figure 2) as claimed in dependent claims 4 and 18, a varying groove width (Figure 4) as

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claimed in dependent claims 5 and 19, and continuing varying dimensions (Figure 2) as claimed in dependent claim 6, but fails to teach the Fresnel lens as being incorporated into an auto glass.

Gross, however, teaches the well-known use of Fresnel lenses in vehicle glass (column 2, lines 18-19) as claimed in independent claim 1 and also teaches a second window side (Figure 1, element 2) being exposed to the exterior of the vehicle as claimed in dependent claim 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the structure of Claytor with the well-known auto glass as taught by Gross to expand the field of view of a vehicle operator. The placement of the Fresnel lens within a vehicle glass (e.g., the vehicle door window, a portal, in a skylight, etc.) as taught in independent claims 9 and 17, would have been obvious to one of ordinary skill in the art as a matter of design choice for the purpose of eliminating a blind spot as it may exist on the vehicle.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Claytor in view of Gross as applied to claim 1 above, and further in view of Shiono et al. Shiono et al further teaches a Fresnel lens having ridges or grooves in a non-circular pattern (Figure 3a) as claimed in dependent claim 11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-circular patterned Fresnel lens of Shiono et al with the well-known fresnel lens incorporated into a vehicle glass as outlined above to maintain image clarity.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claytor in view of Gross as applied to claim 1 above, and further in view of Peifer et al. Although Peifer et al fails to teach the Fresnel structure as claimed in independent claim 1, Peifer et al does teach a window comprising a sealing gasket (Figure 2, element 19a) as claimed in dependent claim 20

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and a window installed in a porthole defined in the door of a vehicle (Figure 1) as claimed in dependent claim 21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to design a vehicle having a porthole as taught by Peifer et al combined with the Fresnel lens as taught by Claytor and Gross, as outlined above, to effectively eliminate or reduce the blind spots on a vehicle.

### ***Allowable Subject Matter***

Claims 8 and 12-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darryl J. Collins whose telephone number is 571-272-2325. The examiner can normally be reached on 6:30 - 5:00 Monday - Thursday.

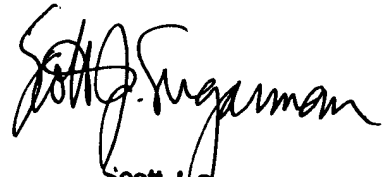
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



djc



Scott J. Sugarman  
Primary Examiner